

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

NOV 13 2013
FBI
106

UNITED STATES OF AMERICA
ex rel. Maria Feria, Relator, *et al.*,

Plaintiffs,

vs.

DEVRY, INC., *et al.*

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. SA:12-ca-0843-XR

**FILED IN CAMERA AND UNDER
SEAL PURSUANT TO
31 U.S.C. § 3730(b)(2) & ORDER OF
THIS COURT**

**RELATOR MARIA FERIA'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT
PREJUDICE**

Prior to service of the Complaint, an Answer, or any dispositive motion, Relator hereby files the instant notice voluntarily dismissing without prejudice the above-entitled case pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

Pursuant to 31 U.S.C. § 3730(b)(1), an action brought under the False Claims Act, 31 U.S.C. § 3729 *et seq.* may be dismissed “only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” Statutes of the named states include similar provisions. Relator has conferred with the United States and the States, and has confirmed that the United States and States consent to this dismissal, so long as it is without prejudice.

With respect to Oklahoma, on December 2, 2013, undersigned counsel received a call from Oklahoma Assistant Attorney General Christopher Robinson (“Assistant AG Robinson”). Assistant AG Robinson informed counsel that the state of Oklahoma was mistakenly included in the DeVry Complaint because Oklahoma does not have a general FCA statute. Rather, Oklahoma only has a Medicaid False Claims Act statute, 63 Okl. St. § 5053, *et seq.*

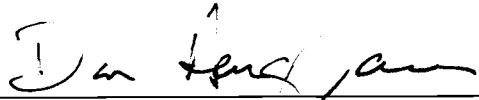
Because the claims asserted against DeVry do not involve the Medicaid or Medicare programs, Oklahoma should not have been included in the DeVry Complaint.

Assistant AG Robinson stated that Oklahoma consented to a dismissal without prejudice because there was no basis for such a claim on behalf of Oklahoma through the Oklahoma Medicaid False Claims Act, 63 Okl. St. § 5053, *et seq.* Oklahoma does not have a general FCA *Qui Tam* statute.

With respect to New Jersey, Relator has attached correspondence from Deputy Attorney General Edward J. Mullins III pursuant to N.J.S.A. 2A:32C05(c).

Respectfully submitted,

WATERS & KRAUS, LLP

By: 

Dan Hargrove (TX Bar No. 00790822)
dhargrove@waterskraus.com
600 Navarro St., #500
San Antonio, TX 78205
Telephone: (210) 349-0515
Fax: (210) 349-3666

Loren Jacobson (TX Bar No. 24050813)
ljacobson@waterskraus.com
Caitlyn Silhan (TX Bar No. 24072879)
csilhan@waterskraus.com
3219 McKinney Ave.
Dallas, TX 75204
Telephone: (214) 357-6244
and (800) 226-9880
Fax: (214) 357-7252

**LAW OFFICES OF DAVID H.
GREENBERG**

David H. Greenberg (*Pro Hac Vice*
Application to be Submitted)
6100 Wilshire Boulevard, Suite 1170
Los Angeles, California 90048
(323)782-0500 / (888)204-1014

Attorneys for Plaintiff/Relator

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2013, I have served copies of Relator's Notice of Voluntary Dismissal Without Prejudice, by first-class mail on:

Richard J. Cutler Deputy Attorney General California Department of Justice Corporate Fraud Section 1300 "I" Street Sacramento, CA 95814	Edward Black Deputy Attorney General Delaware Attorney General's Office Delaware Department of Justice C600 820 North French Street Wilmington, DE 19801
Jane Drummey Assistant Attorney General Public Advocacy Section Public Interest Division 441 4 th Street, NW, Suite 650 North Washington, DC 20001	Mark S. Hamilton Bureau Chief, North Region Economic Crimes Division Office of the Attorney General, Pam Bondi State of Florida The Capitol, PL-01 Tallahassee, FL 32399-1050
Steve A. Bumanglag Michael S. Vincent State of Hawaii Department of the Attorney General 333 Queen Street, Suite 200 Honolulu, HI 96813	Jane Flanagan Kate Pomper Office of the Illinois Attorney General 100 W. Randolph St., 11th Floor Chicago, IL 60601
Christina Clark Corinne Gilchrist Office of the Attorney General Civil Litigation 302 W. Washington St., IGCS – 5th Floor Indianapolis, IN 46204	Jeffrey Thompson Deputy Attorney General Hoover State Office Bldg. 1305 E. Walnut, Second Floor Des Moines, IA 50319
Glenn Kaplan Assistant Attorney General Insurance & Financial Services Division, Office of Attorney General Office of the Attorney General Martha Coakley One Ashburton Place Boston, MA 02108-1598	Jason Pleggenkuhle Assistant Attorney General Minnesota Attorney General's Office 1400 Bremer Tower 445 Minnesota Street St. Paul, MN 55101-2131

--	--

<p>Michael Black Kelley Hubbard State of Montana Office of the Attorney General P. O. Box 201401 Helena, MT 59620-1401</p>	<p>Charles Wayne Howle Solicitor General Cassandra Joseph Deputy Attorney General Office of the Attorney General Carson City Office 100 N. Carson Street Carson City, NV 89701-4717</p>
<p>Edward J. Mullins, III Deputy Attorney General Janie Maton Assistant Chief, Deputy Attorney General State of New Jersey 124 Halsey Street P.O. Box 45029 Newark, NJ 07101</p>	<p>Seth T. Cohen Assistant Attorney General Office of Attorney General Gary King P.O. Drawer 1508 Santa Fe, NM 87504-1508</p>
<p>Randall M. Fox Bureau Chief Taxpayer Protection Bureau Office of the New York Attorney General 120 Broadway – 25th Floor New York, NY 10271</p>	<p>Ward Zimmerman Special Deputy Attorney General North Carolina Department of Justice P.O. Box 629 Raleigh, NC 27602</p>
<p>Niki Batt Christopher Robinson Medicaid Fraud Control Unit Oklahoma Office of Attorney General 313 NE 21st Street Oklahoma City, OK 73105</p>	<p>James Lee Chief of the Civil Division Rhode Island Attorney General Providence County Courthouse Licht Judicial Complex 250 Benefit Street, 2nd Floor Providence, RI 02903</p>

<p>Albert L. Partee, III Lyndsay Sanders State of Tennessee Attorney General Consumer Advocate and Protection Division P.O. Box 20207 Nashville, TN 37202-0207</p>	<p>John J. LoCurto Assistant United States Attorney for the Western District of Texas 601 N.W. Loop 410, Suite 600 San Antonio, TX 78216</p>
<p>Noelle L. Shaw-Bell Assistant Attorney General III Health, Education & Social Services 4th Floor, Room 4040 Office of the Attorney General 900 East Main Street Richmond, VA 23219</p>	


DAN HARGROVE



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO Box 45029
Newark, NJ 07101

JOHN J. HOFFMAN
Acting Attorney General

CHRISTOPHER S. PORRINO
Director

December 5, 2013

VIA FIRST CLASS MAIL AND E-MAIL TO: csilhan@waterskraus.com

Caitlyn Silhan, Esq.
Waters, Kraus & Paul
3219 McKinney Avenue
Dallas, TX 75204

**Re: United States of America ex rel. Maria Feria v. DeVry, Inc., et al.,
No. SA:12-cv-00843-XR (W.D. Tex. filed Sept. 11, 2012)
DOL Docket No. 12-03304**

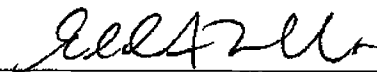
Dear Ms. Silhan:

The State of New Jersey ("New Jersey") hereby consents to Plaintiff Maria Feria's (the "Relator") voluntary dismissal of this action without prejudice pursuant to N.J.S.A. 2A:32C-5(c) and Fed. R. Civ. P. 41(a)(1). The Relator brings this action pursuant to the New Jersey False Claims Act, N.J.S.A. 2A:32C-1 to -18, among others, for alleged violations of New Jersey institution of higher education eligibility laws. At this time, New Jersey is unable to substantiate the New Jersey-specific claims as alleged in the Complaint dated September 11, 2011, and the Relator no longer wishes to pursue her claims. For the reasons stated herein, New Jersey consents to the Relator's voluntarily dismissal without prejudice.

Please send a copy of the Relator's notice of dismissal, and all documents filed with the Court in this matter, to the Attorney General via e-mail to edward.mullins@dol.lps.state.nj.us.

Sincerely yours,

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 
Edward J. Mullins III
Deputy Attorney General

cc: Janine Matton, Deputy Attorney General, Assistant Chief

